

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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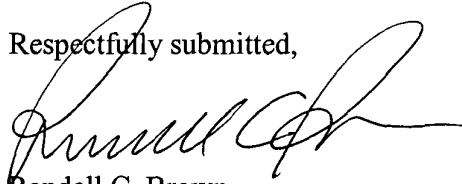
Examiner: Kam, Chih-Min

Applicants hereby further select an anti-tumor agent as set forth in claim 16. In this regard, the Office action states: “[t]his is not species election.” Claim 16, however, is a Markush-type claim and is therefore generic to the members of the Markush group. In addition,

claim 16 has unity of invention because the members of the Markush group share a common utility. Specifically, the members of the Markush group of claim 16 can all be used in a composition according to claim 12. Therefore, as set forth in MPEP § 803.02, it is improper for the Patent Office to refuse to examine that which the Applicants regard as their invention, i.e. the subject matter of claim 16. Accordingly, it is respectfully submitted that the requirement set forth in the Office action as to claim 16 is a species election.

Applicants respectfully submit that the foregoing constitutes a complete response to the restriction requirement set forth in the Office action mailed January 29, 2003. Accordingly, Applicants respectfully request an early action on the merits.

Respectfully submitted,



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